



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

(508) 430-750-7538 FAX: (508) 430-7531

HARWICH CONSERVATION COMMISSION

WEDNESDAY MARCH 2, 2016

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL

MINUTES

PRESENT: Walter Diggs, Chairman; Robert Sarantis; Robert Hartwell; John Rossetti; Brad Chase; Carolyn O'Leary, and Amy Usowski, Conservation Administrator.

ABSENT: Ernest Crabtree

6:32 PM Call to Order by Chairman Walter Diggs

Note: Brad Chase and Carolyn O'Leary are eligible to vote since the first and second hearings (Szafran and Sangiolo) were continued at the last meeting when they were absent.

HEARINGS

Notice of Intent - Continuance

6 :32 Steven Szafran, 177 Forest Street, Map 31, Parcel C2 - Demolish 2 existing additions and replace with new addition with full cellar below both original house and new addition; breezeway added to connect new addition to barn; install gas line.

Presenter: Steven Szafran

Mr. Szafran explained his project.

Amy Usowski said work on cesspool requires working in the buffer zone. She recommends mitigation (newly tweaked). She thinks it meets town regulations. Mr. Szafran has agreed to clean up debris. Ms. Usowski recommends flush cut trees with invasives.

Bob Hartwell addressed time for cleaning up debris. Mr. Szafran stated that some of the debris existed before he took ownership of the property; he is trying to clean up and requests September or October, 2016 as a time line for cleaning up the debris. Amy Usowski stated that barrels should be a priority.

Bob Sarantis inquired regarding the barn. Mr. Szafran said he still has to go through building permitting.

Discussion of what debris is in the area and what can be done. Bob Sarantis said it has been three years already. He wants to tie clean up with the building project so that it gets done. Mr. Sarantis suggested time line and fines if not met. He also wants removal of trees to be discussed with Amy Usowski.

John Rossetti said if the contractor is not doing the cleanup that there needs to be a clear time frame for the cleanup work. Ms. Usowski said that getting the barrels out of the water is an immediate priority. She will be monitoring the area for some time.

Discussion of northeast side sloop debris and using the existing driveway area. Ms. Usowski said that was agreeable with her.

Bob Hartwell wants the debris out of the 50' buffer area by the end of October, 2016. Mr. Szafran said he has some medical issues which do not allow for heavy lifting. Ms. Usowski stated that anything that can be seen, needs to be cleaned by October. Ms. Usowski recommended that the HCC visit the site in June.

Motion made by Bob Sarantis to approve the project for 177 Forest Street with the following conditioned: 244 sf mitigation; everything out of the water; everything else done by October, 2016; applicant discuss with Ms. Usowski the marking and removal of trees; and that the HCC visit the site in June to assess the progress. Seconded by Brad Chase. Vote: 6-0-0.

Notice of Intent - Continuance

6:59 Sangiolo Associates, 9 Skecheconet Way, Map 4, Parcel C1-3 - Proposed removal of old piers from rotted wood bulkhead to be disposed of offsite; removal of invasive plant species and dead plants at coastal bank to be replanted with native species, enlarge existing terrace/patio.

Presenter: Susan Sangiolo

Ms. Sangiolo explained her new proposed plan; 3:1 ratio of mitigation; eleven trees damaged to be removed and eleven trees to be newly planted.

Amy Usowski said that this is one of the worst cases of invasives she has ever seen. She is in favor of the mitigation proposed. She said she is still concerned regarding the hardscape in the patio.

Carolyn O'Leary said she likes the landscaping plan and that it is a real improvement, but that she too is concerned with the hardscape.

Discussion of re-figuration of patio without increase of size. Bob Hartwell wants the pervious patio conditioned. Bob Sarantis inquired regarding location of the septic. Ms. Sangiolo said that it is a 1780 house and that they have recently discovered additional septic tanks.

Brad Chase asked how 7% calculation was arrived at. Explanation given was that the house and patio were in the buffer area originally. Mr. Chase said he would like to see plans with specifics for patio as they originally asked for a variance (applicant supplied HCC with a sketch of new plan for the patio). Mr. Chase expressed concern regarding the new patio being so near the saltmarsh.

Motion made by Bob Hartwell to continue to March 16, 2016 for more specific plans for the patio and plan for incorporating changes. Seconded by Brad Chase. Vote: 6-0-0.

Notice of Intent - Continuance

7:25 Francis & Debra Zarette, 11 Harbor Way, Harwich, Map 1 Parcel H3-0 - Proposed site redevelopment and fish house reconstruction.

Presenters: Don Munroe, Coastal Engineering Co., Inc.; Atty. William Crowell; Sean Reilly; Atty. Glen Wood and Francis Zarette.

Note: John Rossetti has signed an affidavit that he has reviewed all pertinent information and minutes and is eligible to vote.

Mr. Zarette explained that the proposed structure has been reduced by 8'. Bob Sarantis asked for a clarification of which building is being referred to (old or new). Mr. Zarette said he would explain. He had a large exhibit display board and explained various specific dimensions and the reasons for them. Chairman Diggs asked the height of the attic (mezzanine). Mr. Zarette answered 6', small in proportion to original, but it is in keeping with Cape Cod architecture.

Don Munroe addressed storm water plan and planting plan (600 plugs 35 & 30 marsh pillows). The planting plan also includes bayberry; beach plum; beach grass; march pillows 3' x 3'; plantings (300 plus square feet). He said that the applicant is in discussion with Wilkinson Ecological, that it has not been finalized due to permitting, but that the applicant is in favor of Wilkinson to do the work.

Mr. Munroe discussed the location and explained the overflow bulkhead and how it would enhance the saltmarsh.

Discussion of licensing and specifics with engineers. There would be a three year monitoring. Mr. Zarette wants it done correctly.

Sean Reilly of Coastal Engineering spoke to the storm water management design standards; considered a redevelopment and noted the standards that apply to the project. He noted specifics (Listed Management Site Stands) in handout dated 2-2-2016 Swiggart & Agin.

Atty. Crowell asked that the following letters be entered into the record: #1. Letter from Sailing School; #2. Letter from Representative Keating regarding the fishing industry; and #3. Letter from George Peterson, Commissioner Department of Marine Fisheries regarding shellfish aquaculture (letter read by Atty. Crowell).

Atty. Crowell referred to issues raised by Atty. Neal Glick in an e-mail to HCC and him (summary and concerns heard at previous hearings). No new information. Atty. Glen Wood addressed Atty. Glick's concerns. He addressed each issue as a non-concern.

Applicant and Atty. Crowell asked that the HCC close the hearing and go to Order of Conditions.

Amy Usowski said Greg Bergman from the county could not be at the meeting this evening but that he does recommend an over wash bulkhead. She said that variances are needed because of the saltmarsh and proximity to wetland and coastal land under the water.

Carolyn O'Leary thanked applicants for the work they have done on the project. Bob Hartwell addressed concrete to be left in. He also addressed the new plan for plantings. Mr. Diggs thanked applicant for reducing height of building. Bob Sarantis thanked applicant for addressing all the concerns of HCC.

John Rossetti asked for a clarification of the dimension specifics, and he asked regarding security. Mr. Zarette said that there would be controlled access.

Brad Chase said he feels the wash over bulkhead does need variances. Applicants said they did an alternative analysis previously. Mr. Chase questioned whether the alternative analysis was needed tonight.

Lynne Hamlyn requested that conditions with reference to wildlife be conditioned including lighting, fencing, removal of fox den October through December as not to disturb breeding habitat. She also recommended monitoring by HCC Administrator.

Matt Hart, Chairman of the Waterways Committee addressed issues of police and fire personnel being able to get to the area and turn around for public safety. He thanked Mr. Zarette for consideration on those issues.

Motion made by Bob Hartwell to close the hearing with reference to Mr. Francis Zarette, 11 Harbor Way to any further testimony. HCC can deliberate and vote at the next meeting in March. Public may attend the next hearing. Seconded by John Rossetti. Vote: 6-0-0.

Request for Determination of Applicability

8:34 Harry Ellis, 41 Wequassett Road, Map 12, Parcel Y2-6 - Construct a kitchen/dining room additions in area of existing deck.

Presenters: Daniel Croteau, Moran Engineering Assoc., and Harry Ellis, Contractor

Linda Carney, owner of the property is proposing two small additions. Mr. Croteau explained the project. Since there is no disturbance of the buffer, he is asking for a Negative #3 Determination.

Amy Usowski stated that the project is right on the 100' boarder to a wetland. She said that an abutter to the south felt it would have a negative effect. She said that she does not feel it is a concern (future larger deck) because the applicants would have to come before HCC if that were proposed.

Discussion of deck description and runoff. Ms. Usowski said she could condition the above on new construction.

Motion made by Bob Sarantis to approve the project for 41 Wequassett Road with a Negative Determination #3. Seconded by Brad Chase. Vote: 6-0-0.

Notice of Intent

8:42 Douglas Murphy, 22 Kevin Road, Map 81, Parcel A-49 - Improvement to an existing dwelling; remove decks, patio with retaining walls, sun porch, pilings and benches. Construct entry porch, addition, 3 season room, deck and patio with retaining walls; repair existing bulkhead within Hinckleys Pond.

Presenters: Lynne Hamlyn, Hamlyn Consulting and Douglas Murphy

Ms. Hamlyn explained the project. The house is adjacent to the 50' buffer zone (750 sq ft. of hardscape; new 776 sq. ft. of hardscape). She said the work limit line is along the property line; there is zero set back to inland bank, and they would be adding native shrubs.

Amy Usowski said that the project is an increase in the 0-100' if not the 0-50'. She asked for 300 sf of mitigation in the 0-100' and 5 native shrubs. Ms. Hamlyn said she was not sure of the need for more planting as the applicant does not want to plant over beach. Ms. Usowski said she recommends leaving the old timber bulkhead. She feels it does meet standards and that the plantings are up for discussion.

Bob Hartwell questioned mitigation for 50' to 100' being required.

Brad Chase said he defends mitigation in the 50' to 100', but in this case, he feels it is unnecessary.

Amy Usowski said that 2:1 ratio mitigation in the 50' to 100' is stated in the Regulations, but that in this case, there is no loss of habitat.

Chairman Diggs inquired as to the lawn. Applicant said it is mostly sand.

Bob Sarantis asked about pilings for the deck and addressed the bulkhead. Applicant said that they would cut to grade for safety.

John Rossetti said that the beach was created at some time earlier. He inquired regarding any plans for refurbishing the sand. Applicant said he bought the property from his parents and it pre-dates the regulations.

Brad Chase asked about the pre-existing bulkhead. Amy Usowski said it pre-dates the Regulations and has no adverse effect.

Brad Bankman, a neighbor said he has concerns regarding exchanging decks which may obstruct water view. He is concerned regarding the dimensions of a three season room. He also addressed concern regarding creosote in the timbers of the bulkhead leaching into the environment over past year and blowing into his environment. He wants future study. He said he maintains his property for the water views. He said that ten or fifteen years ago, he wanted a deck which HCC denied based on protecting the 50' buffer. He said he wants to keep things pristine and natural.

Ms. Usowski said that the retaining wall (bulkhead) will stay and a new one placed immediately in front of it. There would be no additional leaching. She also said that she understands Mr. Bankman's concerns, but there are no height limits. Building and Zoning requirements must be met for setback of the building and a permit will be required.

Motion made by Brad Chase to approve the project for 22 Kevin Road. Seconded by John Rossetti. Vote: 6-0-0.

Orders of Condition

9:14 Town of Harwich Water Department, 216-220 Lothrop Avenue, Map 38, Parcels M5-1 & M5-2, (Water Tank) - Demolish/replace existing elevated water storage tank with a new ground level water storage tank including a 20' x34' single story wooden booster pump house. The current water tank is nearing the end of its service life and needs to be replaced before a failure can occur.

Motion made by Bob Sarantis to approve the Order of Conditions for the Town of Harwich Water Department Water Tank replacement 216-220 Lothrop Avenue. Seconded by Bob Hartwell. Vote: 4-0-2.

Oder Of Conditions

9:15 Stone Horse Yacht Club, 4 Harbor Road, Map 8, Parcel S4 – Replace in kind, the docks, piles and floats of existing licensed marina known as Harwich Port Boatyard.

Motion made by Bob Sarantis to approve the Order of Conditions for Stone Horse Yacht Club, 4 Harbor Road. Seconded by Bob Hartwell. Vote: 4-0-2

Order of Conditions

9:19 Peter Hopple, 71 Gorham Road, Map 32, Parcel W2 – Remove existing garage; construct new 24 X 24 detached garage; a 6.3 X 13.3 infill addition and 24.3 X 6 front porch; install new septic leaching area.

Motion made by Bob Hartwell to approve the Order of Conditions for 71 Gorham Road. Seconded by Bob Sarantis. Vote: 4-0-2.

Order Of Conditions

9:22 Wendy & Douglas Kreeger, 1 Wah Wah Taysee Road, Map a6, Parcel F2-1 – proposed revetment reconstruction.

Motion made by Bob Sarantis to accept the Order of Conditions for 1 Wah Wah Taysee Road. Seconded by John Rossetti. Vote: 4-0-2.

Minutes

9:25 Minutes of February 3, 2016

Motion made by Bob Sarantis to approve the Minutes of February 3, 2016 with the edit on page 7 next to last paragraph (change “Atty. Gallogly to Atty. Reid). Seconded by Brad Chase. Vote: 6-0-0.

Discussion:

- **Town Owned Open Space** – Tabled until next meeting for mapping. Bob Hartwell concerned regarding easements etc.
- **Discussion of Town Property; vegetated dune and signage (Red River Beach).**
- **Changes to Regulations** – Ms. Usowski thinks there is a need for revision. Recent cases of infringement of By Laws and Regulations. She thinks there is a need for definitions of “Clear Cut” etc. After discussion, the HCC suggested that there be research done to compare policy and regulations to other towns and report back at next meeting.
- **Fine Schedule – Put on next meeting’s agenda.**

Announcements:

- Ameri Corp at Thompson’s Field next week doing burning (28 volunteers from 8:30 to 4:00).
- Artificial Reef – Any day now; weather has not been cooperative; Our Co. to go to New Bedford with fill; must be done by April 1st.
- MACC this Saturday. Bob Hartwell and Brad Chase going.

Adjourn

9:50 PM

Motion made by Bob Sarantis to Adjourn. Seconded by Bob Hartwell. All in Favor

Minutes transcribed by Marie Hickey, Board Secretary

**SIGN IN SHEET
Donn B. Griffin Room
March 2, 2016**

| | |
|-------------------|-------------------------|
| Matt Hart | |
| Sean Riley | CRC |
| Bill Galvin | |
| Verna Clarke | |
| Steven Szafran | |
| Joe Johnson | WWC |
| Susan Sangiolo | Sangiolo Associates |
| Heinz Proft | Natural Resources Dept. |
| Bob Doane | ARC |
| Cole Bateman | CEC |
| Fran Zarette | Zarette Property |
| Harry Ellis | |
| David Daks | |
| Dennis E. McMahon | |
| Ted Lucas | |
| Don Munroe | Coastal Engineering |